

Franchise Tax Board

SUMMARY ANALYSIS OF AMENDED BILL

Author: John Campbell Analyst: Darrine Distefano Bill Number: AB 2278Related Bills: See Prior Analysis Telephone: 845-6458 Amended Date: 04-08-2002Attorney: Patrick Kusiak Sponsor: _____**SUBJECT:** Public Records/Personal Identifying Information

DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.

AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.

☒ AMENDMENTS DID NOT RESOLVE THE DEPARTMENT'S CONCERNS stated in the previous analysis of bill as introduced February 20, 2002.

FURTHER AMENDMENTS NECESSARY.

DEPARTMENT POSITION CHANGED TO _____.

☒ REMAINDER OF PREVIOUS ANALYSIS OF BILL AS INTRODUCED February 20, 2002, STILL APPLIES.

☒ OTHER - See comments below.

SUMMARY

This bill would prohibit a state agency from releasing specified personal information in any public document.

SUMMARY OF AMENDMENT

The April 8, 2002, amendment deleted three types of personal information from the list of information that may not be released in any public document: an individual's residential address, residential telephone number, and place of birth. As amended, this bill now prohibits only the following information about an individual from being released in any public document:

- mother's maiden name, and
- social security number.

The April 8th amendments did not resolve the concerns identified in the department's analysis of the bill as introduced February 20, 2002. The unresolved implementation concerns are provided below. The remainder of the department's analysis of the bill as introduced on February 20, 2002, still applies.

POSITION

Pending.

Board Position:

<input type="checkbox"/> S	<input type="checkbox"/> NA	<input type="checkbox"/> NP
<input type="checkbox"/> SA	<input type="checkbox"/> O	<input type="checkbox"/> NAR
<input type="checkbox"/> N	<input type="checkbox"/> OUA	<input checked="" type="checkbox"/> PENDING

Legislative Director

Date

Brian Putler

5/23/02

IMPLEMENTATION CONSIDERATIONS

This bill would limit the type of information given by state agencies to third party individuals. Many taxpayers have a tax preparer or execute a power of attorney for someone to act on their behalf. Under this bill the department would be required to sanitize any documents that contain the restricted items provided to these types of individuals. This requirement could increase the department's workload. It should be noted that the taxpayer might have already provided the restricted items under this bill to the tax preparer or person with a power of attorney through other documents; therefore the timeliness of information could be delayed if additional documents, with the restricted items, are requested from the department.

Both federal and California laws require the Social Security Number (SSN) to be used as the identifying number for individual taxpayers. FTB uses SSNs on documents such as tax liens, wage assignments, and bank levies for delinquent taxpayers sent to banks and employers. SSNs are used to assure proper identification by the county recorders as well as other entities. If FTB is required to remove the SSN from tax liens, wage assignment, and bank levies, an alternate means of identifying taxpayers must be created. This would require extensive system and form changes that would have a significant impact to the department. This alternate identification system would have to be used by banks, employers, and county recorders also so that documents are correctly matched to the individual.

Department staff is available to work with the author's office to resolve these and other concerns that may be identified.

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